

October 4, 2024

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 24-67

This All County Letter (ACL) provides County Welfare Departments with policy guidance regarding the provision of reasonable accommodations for Refugee Cash Assistance (RCA)/Entrant Cash Assistance (ECA) and Trafficking and Crime Victims Assistance Program (TCVAP) cash aid applicants/recipients and highlights best practices to implement these policies effectively and ensure equal and meaningful access for individuals with disabilities. This ACL is part of a series on providing reasonable accommodations and is specifically tailored to the administration of RCA/ECA and TCVAP cash aid.



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October 4, 2024

ALL COUNTY LETTER NO. 24-67

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY RCA/ECA CONTACTS
ALL COUNTY REFUGEE COORDINATORS
ALL TCVAP COUNTY COORDINATORS
ALL COUNTY CIVIL RIGHTS COORDINATORS

SUBJECT: POLICY GUIDANCE FOR ENSURING EQUAL AND
MEANINGFUL ACCESS FOR INDIVIDUALS WITH DISABILITIES
IN REFUGEE CASH ASSISTANCE (RCA)/ENTRANT CASH
ASSISTANCE (ECA), AND TRAFFICKING AND CRIME VICTIMS
ASSISTANCE PROGRAM (TCVAP) CASH AID

REFERENCE: [TITLE II OF THE AMERICANS WITH DISABILITIES ACT \(ADA\)](#)
[OF 1990 \(42 U.S.C. SECTION 12101, ET SEQ.\)](#);
[SECTION 504 OF THE REHABILITATION ACT OF 1973 \(29](#)
[U.S.C. SECTION 794\)](#); [TITLE VI OF THE CIVIL RIGHTS ACT OF](#)
[1964 \(42 U.S.C. SECTION 2000d, ET SEQ.\)](#);
[28 CODE OF FEDERAL REGULATIONS \(CFR\) PART 35 ET](#)
[SEQ.](#);
[45 CFR PART 84, ET SEQ.](#); [45 CFR PART 400, ET SEQ.](#);
[WELFARE AND INSTITUTIONS CODE \(WIC\) SECTION 10824.5](#);
[CALIFORNIA GOVERNMENT CODE \(GOV. CODE\), SECTION](#)
[11135 ET SEQ.](#);
[GOV. CODE SECTION 12926](#); [GOV. CODE SECTION 7405](#);
[CALIFORNIA CODE OF REGULATIONS \(CCR\) SECTION 14000](#)
[ET SEQ.](#);
[CDSS MANUAL OF POLICIES AND PROCEDURES \(MPP\)](#)
[DIVISION 21](#);
[MPP DIVISION 69](#); [MPP DIVISION 70](#);
[ALL COUNTY LETTER \(ACL\) 19-13](#); [ACL 19-45](#); [ACL 21-78](#);
[DUVALL V. COUNTY OF KITSAP, 260 F.3d 1124 \(9TH CIR. 2001\)](#)

This All County Letter (ACL) provides County Welfare Departments (CWDs) with policy guidance regarding the provision of reasonable accommodations for Refugee Cash Assistance (RCA)/Entrant Cash Assistance (ECA) and Trafficking and Crime Victims Assistance Program (TCVAP) cash aid applicants/recipients and highlights best practices to effectively implement the policy on reasonable accommodations, ensuring equal and meaningful access for individuals with disabilities.

Title II of the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and California Government Code Section 11135 and their implementing regulations require the CWD to make reasonable accommodations to their policies, practices, and procedures whenever necessary to provide equal access to individuals with disabilities. ([28 CFR Section 35.130\(b\)\(7\)\(i\)](#); [45 CFR Section 84](#); [CCR Section 14000 et seq.](#))

Reasonable accommodations may be necessary to allow a qualified individual with a disability to access a program or service, comply with program requirements, participate fully in programs, services, and activities, or avoid potential sanctions for disability-related noncompliance with program rules. A reasonable accommodation may take the form of a waiver of a program rule or policy in order to help a person with a disability, or a change in the way that the CWD carries out a policy or practice affecting a person with a disability.

SCOPE OF THIS LETTER

This ACL addresses RCA/ECA and TCVAP cash aid programs together since ECA and TCVAP program regulations, in accordance with both [MPP Section 69-301](#) (ECA) and [MPP Section 70-105](#) (TCVAP), mirror RCA rules and regulations, with the exception of immigration status requirements. RCA rules and regulations, in turn, are based on California Work Opportunity and Responsibility to Kids (CalWORKs) rules and regulations concerning eligibility, payments, and employment services, unless otherwise specified.

This letter is part of a series of ACLs about providing equal access for individuals with disabilities. [ACL 19-45](#), the first letter in the series, describes the reasonable accommodation framework in detail and is applicable to all CWD-administered, California Department of Social Services (CDSS)-funded programs. This ACL builds on the framework described in ACL 19-45 and is specifically tailored to the administration of the RCA/ECA and TCVAP cash aid programs. This letter also references [ACL 21-78](#), which is tailored to the administration of the CalFresh but contains some broadly applicable information relevant to the RCA/ECA and TCVAP cash aid programs. The ACL 24-65 tailored to the administration of CalWORKs, is also part of this series of ACLs.

The responsibilities discussed in this ACL apply to CWDs and contractors administering RCA/ECA and TCVAP cash aid programs. Information in this letter may be helpful to other CDSS programs but must not be used as a substitute for program-specific guidance.

This letter is not a comprehensive restatement of all RCA/ECA or TCVAP cash aid program rules and requirements regarding services to individuals with disabilities and should not be relied upon as a substitute for RCA/ECA or TCVAP cash aid program regulations and other guidance.

WHO IS PROTECTED FROM DISABILITY DISCRIMINATION?

RCA/ECA and TCVAP cash aid applicants/recipients with disabilities are protected against discrimination under the above referenced federal and state laws. Under California law, the definition of disability is broad and protects individuals who have a condition that limits one or more major life activities. ([Gov. Code Section 11135](#) and [Gov. Code Sections 12926\(j\) and 12926\(m\)](#); see also section III of [ACL 19-45](#).)

The definition of disability under the ADA and Rehabilitation Act is not the same as the definition of disability in RCA regulations for determining Employment Services exemptions in accordance with [MPP Section 69-207.3.f](#). For example, an individual may be considered disabled under the ADA and Rehabilitation Act and require accommodation, but not qualify for a disability exemption from Employment Services or Employment-Directed Education/Training. It should also be noted that the right to reasonable accommodation under the ADA or Rehabilitation Act is not contingent upon qualifying for an Employment Services or Employment-Directed Education/Training exemption; they are different and analyzed separately.

The RCA/ECA and TCVAP cash aid programs serve populations that may be disproportionately trauma-impacted. Trauma (and in particular childhood trauma) is associated with higher rates of physical and psychological conditions and illnesses that could be protected under the ADA, including anxiety, cancer, depression, diabetes, heart problems, post-traumatic stress disorder (PTSD), and stroke.¹ Moreover, victims of human trafficking may develop disabilities from abuse at the hands of their traffickers, and individuals with disabilities may be targeted by traffickers because they are vulnerable.² The RCA/ECA and TCVAP cash aid programs should therefore anticipate significant ADA accommodation needs in their client population. Though many RCA/ECA and TCVAP cash aid applicants/recipients may fall under the definition of a qualified individual with a disability, the CWD should expect that the ADA and the rights it confers may be unfamiliar to many newcomers to the United States, heightening the importance of educating this client population on their rights under the ADA (see section below on CWDs' obligations to give notice).

¹ UCSF Center to Advance Trauma Informed Health Care. 2024. [How Trauma Affects Our Health](#); Cleveland Clinic. 2020. [Childhood Trauma's Lasting Effects on Mental and Physical Health](#).

² Office for Victims of Crime Training and Technical Assistance Center. 2024. [Victims with Physical, Cognitive, or Emotional Disabilities](#).

**NOTICE TO INDIVIDUALS WHO MAY REQUEST A REASONABLE
ACCOMMODATION**

The CWD must notify all RCA/ECA and TCVAP cash aid applicants/recipients and other interested parties (such as community groups) of the following: the right to request reasonable accommodation; the existence and location of services, activities, and facilities available to persons with disabilities; information about the disability discrimination complaint procedure; and that the CWD does not discriminate on the basis of disability. ([45 CFR Section 84.8](#); [MPP Section 21-107.24](#).) Notice of this information may be given verbally in face-to-face interviews or group presentations, in written communications, or in published materials such as posted notices and outreach materials in newspapers. ([45 CFR Section 84.8\(a\)](#); [MPP Section 21.107.25](#).) Notice should always be given in plain language. The following are specific ways a CWD must notify RCA/ECA and TCVAP cash aid applicants/recipients of their rights and the CWD's policy on nondiscrimination:

1. Posters: Posters on nondiscrimination, including CDSS Publication 86 "Everyone is Different, but Equal Under the Law" (PUB 86), must be prominently displayed in all CWD waiting rooms and reception areas. The PUB 86 must include the name, telephone number, and address of the CWD representative who processes discrimination complaints. ([MPP Section 21-107.211](#).)
2. PUB 13: The CWD must make CDSS Publication 13 "Your Rights Under California Public Benefits Programs" (PUB 13) available in all CWD waiting rooms and reception areas. The PUB 13 must also be distributed and verbally explained to applicants in their primary language at the time of initial application and to recipients at recertification. ([MPP Section 21-107.221](#).) The requirement to explain the PUB 13 applies whether serving the applicant/recipient in person or over the phone. Dissemination and explanation must be documented in CalSAWS. ([MPP Section 21-116.1](#).)

The PUB 13 must also be available in alternate formats to be accessible to individuals with disabilities, which may include providing the PUB 13 in large print, Braille, accessible electronic format for use with a screen reader, or via audio recording. ([MPP Section 21-107.221](#)); see also Section VIII of this letter for more information about auxiliary aids.) The CWD must provide pamphlets and their alternate formats upon request at each location open to the public and to clients accessing services remotely.

3. Printed notification: CWD-generated recruitment materials and materials with general information for RCA/ECA or TCVAP cash aid applicants/recipients must include, or be disseminated with, a notification that, pursuant to Section 504 of the Rehabilitation Act, the CWD does not discriminate on the basis of disability in admission or access to, or treatment or employment in, its programs or activities. This notification must identify the County employee responsible for handling the disability grievance procedure. The notification may be incorporated into the

CWD-generated materials or achieved through use of a separate insert. ([45 CFR Section 84.8.](#))

The [All County Welfare Directors Letter \(ACWDL\) dated October 19, 2023](#) reminded CWDs that they must have accurate and clear information on their websites about programs serving noncitizens, including RCA/ECA and TCVAP cash aid. All webpages with general information about RCA/ECA and TCVAP cash aid must also contain a nondiscrimination statement. ([45 CFR Section 84.8\(b\).](#)) It is recommended that websites provide a link to the PUB 13 in all languages translated by CDSS. It is also recommended that websites explain in plain language the definition of reasonable accommodation and how to request an accommodation. (See section II of [ACL 21-78](#) for illustrative language for CWD websites.)

The CWD must consider the needs of individuals who have visual, hearing, motor, and cognitive disabilities when designing and maintaining their websites. This includes webpages related to RCA/ECA and TCVAP cash aid. ([28 CFR Section 35.160\(a\)\(1\)](#); [36 CFR Section 1194](#); see also [ADA Web Guidance](#).) Note that although 36 CFR Section 1194 requires website compliance with Web Content Accessibility Guidelines (WCAG) 2.0, these guidelines have been updated with the publication of [WCAG 2.1](#).

IDENTIFICATION OF DISABILITIES

When a disability is known or obvious, the CWD has an affirmative obligation to determine whether a RCA/ECA or TCVAP cash aid applicant/recipient needs additional assistance due to a disability and, if applicable, to provide a disability-specific accommodation.³ (See [Duvall v. County of Kitsap, 260 F.3d 1124, 1139 \(9th Cir. 2001\).](#)) The following is a non-exhaustive list of scenarios when a disability is known or obvious:

- The individual uses a mobility device or is assisted by a service animal.
- The individual requests an auxiliary aid, such as large print or ASL interpretation.
- The individual's case history indicates a disability.
- The individual verbally states they have a disability.
- The individual indicates they have trouble with a major life activity, even if they don't use the word "disability." (Example: "I have trouble remembering things people tell me", or "I have trouble moving around.")
- The individual indicates on an application, redetermination, or other form that they have a disability or need assistance to apply. ⁴

³ For more general information regarding "Identification of Disabilities" see paragraph 2 of section IV of [ACL 19-45](#).

⁴ Program forms elicit information about potential disabilities in numerous ways. The following questions on the SAWS 2 Plus may alert the CWD to an applicant's disability, triggering the CWD's obligation to ask if an accommodation is required: Do you have a disability and need help applying? (Section 1); Is any adult in the household disabled? (Section 6a); Does anyone in the household have a physical, mental, emotional, or development disability that causes limitations in activities? (Section 6); Information about each person with disabilities in the home (Section 6j); Unearned Income from sources such as Social

- The individual requests a disability-based exemption from Employment Services or Employment-Directed Education/Training.
- The CWD receives medical verification or health records reflecting a disability.
- The individual requests counseling to identify or improve physical or mental health conditions.
- The individual requests assistance obtaining a waiver from English and civics requirements for naturalization, due to a disability.
- Disability-related information is discovered when considering a cause determination for the individual.
- A contracted service provider alerts the CWD that the individual disclosed a disability and/or made a reasonable accommodation request.
- The individual requests a referral for mental health or learning disability screening or services.
- Notes from the Inter County Transfer (ICT) sending county reflect a disability.

Given that there are fewer observable cues during remote service delivery than are present during in-person service delivery (such as observing that an individual is having difficulty hearing, seeing, writing, comprehending, completing forms, etc.), the CWD may benefit from enhancements to screening for disabilities during remote service delivery. The CWD may choose to establish phone screen questions for all intakes and redeterminations, such as “Do you need any extra help to do anything we have asked you to do?” or “Do you have any condition that makes it hard to do any of the things we have asked you to do?” Deliberate screening questions may assist in identifying individuals with visible or invisible disabilities, defined as disabilities that are not immediately apparent, and determine the best method to serve an individual with a disability.

The CWD should inform applicants/recipients that, although disclosure of disability is not required, individuals can alert the agency to a disability voluntarily. (See [Summary of Policy Guidance: Prohibition Against Discrimination on the Basis of Disability in the Administration of TANF, Department of Health and Human Services Office for Civil Rights.](#))

OFFERING REASONABLE ACCOMMODATIONS

Once a disability is known or obvious (see section III, above), the CWD must ask whether an accommodation is needed, whether or not the applicant/recipient requested an accommodation.⁵ This obligation is unchanged whether service delivery occurs in person or by phone/remotely. The obligation to offer reasonable accommodation when a disability is known or obvious begins at first contact and is continuous throughout the individual’s participation in RCA/ECA or TCVAP cash aid services. For tips on

Security Disability, SSI/SSP, State Disability Insurance (SDI), Worker's Comp, Private disability or retirement (Section 7); Special Needs Expenses (Section 14); and Is anyone getting IHSS? (Section 20).

⁵ For more general information regarding “When to provide reasonable accommodations” see paragraph 5 of section IV of [ACL 19-45](#).

communicating respectfully when offering assistance or reasonable accommodation, see section IV of [ACL 21-78](#).

Any difficulty meeting RCA/ECA or TCVAP cash aid program requirements or complying with reporting requirements could indicate the presence of a disability affecting an individual's ability to comply. If a disability is already documented in the case file, the CWD must ensure that accommodations are offered and, if applicable, provided. If accommodations are already being provided, the CWD should explore the need for additional and/or different accommodations. If the individual does not have a disability on record, but is having difficulty meeting program requirements, the CWD should again inquire whether the individual would like to request an accommodation.

The CWD should use plain language when offering accommodation. It may also be beneficial to use descriptive language. For example, a survivor of domestic abuse is having trouble meeting Employment Services requirements. Instead of asking, "Do you need a reasonable accommodation?" or "Do you have a disability that makes it hard for you to participate in Employment Services?" CWD staff may consider asking, "Sometimes when we are harmed, everyday activities can become more difficult. For example, some people who have been through difficult situations have trouble remembering things. Is it difficult for you to do anything that we have asked you to do? For further examples, see "Scenarios for Providing Reasonable Accommodations" on page 16.

REQUESTS FOR REASONABLE ACCOMMODATIONS

The RCA/ECA or TCVAP cash aid applicants/recipients may make requests for reasonable accommodations at any time during their interaction with the CWD or contracted service provider. Reasonable accommodation requests may be made in person, by telephone, or in writing by the applicant/recipient or another individual acting on their behalf, such as an authorized representative. Applicants/recipients may also request to modify or remove their requested accommodation at any time. No special forms or procedures are required for accommodation requests.

Reasonable accommodations may be needed at various points of program participation and/or to various program components, including but not limited to (1) the application and redetermination process; (2) procedures related to notifying applicants/recipients of their rights; (3) Employment Services or Employment-Directed Education/Training requirements; (4) policies and practices concerning exemptions, extensions, and sanctions; (5) policies and practices that aid individuals in sustaining program participation; (6) appeal process; and (7) welfare fraud investigations.

There are no specific words or phrases an applicant/recipient must use to initiate a reasonable accommodation request. The individual does not have to use the words "disability" or "reasonable accommodation." CWD staff should listen closely to applicants/recipients for reasonable accommodation requests that may use descriptive or indirect language. Any request for extra assistance or for a modification to a rule or

policy could be a reasonable accommodation request. If the individual does not refer to a disability when asking for help or for a modification to a rule or policy, the CWD should ask the applicant/recipient whether they are making the request because of a disability, condition, or impairment and what type of help is needed. For example, an applicant may ask, “Do I have to stand in line when I visit the office for my appointment?” The individual may have a physical disability and be concerned about experiencing discomfort caused by standing. Staff should ask whether they have trouble standing and explain the accommodations available at reception.

An applicant/recipient may also request an accommodation that is needed due to the disability of another person with whom they are associated. For example, an applicant may request to conduct an eligibility interview over the phone because they provide primary care for a family member who cannot leave home because of their disability.

The ADA does not require that an individual have a medical diagnosis of a specific disability or medical condition to be entitled to a reasonable accommodation. Likewise, an applicant/recipient does not need to disclose a specific diagnosis or condition before requesting an accommodation, and the CWD must not ask for verification to request reasonable accommodation. An applicant/recipient only needs to disclose a disability-related need for the accommodation being requested. A CWD staff member must not challenge the legitimacy of the disability or question the applicant’s/recipient’s need for accommodation. A CWD staff member may, however, ask the applicant/recipient to clarify the type of help they need or the link (or nexus) between the disability-related need and the requested accommodation. For example, the CWD may ask the individual to explain the nature of their disability-related limitation (“What activities are difficult for you?”) or how the requested accommodation will facilitate their participation (“Please explain how the accommodation will help you.”).

If an accommodation is not immediately agreed upon between the CWD and the applicant/recipient, the CWD must initiate a discussion to further clarify the individual’s needs and ways to meet them (the “interactive process”). (See section IV of [ACL 19-45](#); and section V of [ACL 21-78](#) for example questions that may be asked to initiate conversation.) All reasonable accommodation requests must be considered as described in ACL 19-45 and this letter, and they must be granted as requested or as agreed upon via the interactive process unless permissible grounds exist for denial. ([CCR Section 14327](#); see also [ACL 19-45](#) for a description of the interactive process.)

Reasonable Accommodation Denials

As explained in ACL 19-45, a CWD may only deny a reasonable accommodation request when the requested accommodation would either fundamentally alter the nature of the program, service, or activity; or impose an undue financial or administrative burden on the program as a whole. ([28 CFR Section 35.150](#); [45 CFR Section 84.81](#); see also section IV of [ACL 19-45](#) for further information about denying a reasonable accommodation.) The determination to deny a request based on these grounds must be

made by the CWD Director or their designee. The fact that a requested accommodation is outside usual program rules is not in itself sufficient basis to deny the request.

DOCUMENTING DISCLOSURES OF DISABILITY-RELATED NEEDS AND REASONABLE ACCOMMODATION REQUESTS

The CWD must document all disclosures of disability-related needs, requests for reasonable accommodations, and subsequent actions taken by the CWD in the applicant's/recipient's case file. ([WIC Section 10824.5](#); see also paragraph 4 of section IV of [ACL 19-45](#).) Further guidance about how and where to document this information in CalSAWS is forthcoming in a separate ACL.

TRAINING TO ENSURE EQUAL AND MEANINGFUL ACCESS FOR INDIVIDUALS WITH DISABILITIES

The CWD is required to provide civil rights training to public contact staff, including but not limited to eligibility workers, employment specialists, domestic abuse service providers, supervisors, program managers, receptionists, clerical/triage staff, appeals specialists, and civil rights staff. ([MPP Section 21-117.1](#).) CDSS encourages all CWDs to provide civil rights training annually; at a minimum, it should occur every other year.

The CWD is also required to train public contact staff, program managers, and supervisors upon hire and, at a minimum, annually thereafter, on providing reasonable accommodations to people with disabilities. (See section I of [ACL 19-45](#).) The training must include the information presented in this ACL, [ACL 19-45](#), and relevant portions of [ACL 21-78](#). Specifically, the CWD must train eligibility workers, program managers, and supervisors on how to notify RCA/ECA and TCVAP cash aid applicants/recipients of their right to reasonable accommodations. Public contact staff, especially intake workers, must be trained in how to identify whether an applicant/recipient has or may have a disability and how to offer and respond to a request for a disability-specific accommodation. Public contact staff must also be trained in how to document information related to reasonable accommodations. Public contact staff must be familiar with where and how reasonable accommodation needs are noted within a case file, so that they can quickly check and provide the accommodation whenever communicating with or serving an applicant/recipient. It is recommended that during training, all CWD staff members practice giving verbal notice of the right to reasonable accommodation as well as offering reasonable accommodations in a range of scenarios.

Because the CWD is not limited to working within RCA/ECA and TCVAP cash aid program rules to accommodate participants with disabilities, complying with ADA Title II requirements may necessitate making changes or exceptions to RCA/ECA and TCVAP cash aid program rules. The CWD must therefore train staff on how to comply with both RCA/ECA and TCVAP cash aid program rules and nondiscrimination laws based on disability, and what to do when requirements conflict.

The obligation to train public contact staff on civil rights and reasonable accommodation apply to the CWD and its contractors and vendors that provide program benefits and

services directly to applicants/recipients. ([MPP Section 21-103.4](#); [ACL 19-45](#).) The CWD is encouraged to seek out staff training opportunities related to serving RCA/ECA and TCVAP cash aid applicants/recipients, such as trainings on working with crime and trafficking victims with disabilities, providing culturally competent services to crime victims, understanding and accommodating PTSD, working across language and cultural barriers, and delivering trauma-informed services.⁶ It may be beneficial to consider and incorporate trauma-informed services and approaches, which emphasize being mindful of interactions with applicants/recipients that may inadvertently make them feel unsafe, either physically or emotionally, or cause them to relive prior traumatic experiences. Appropriate training can prepare staff to recognize signs of trauma and respond in a way that avoids re-traumatization and promotes a sense of trust and safety.⁷

AUXILIARY AIDS AND SERVICES

Pursuant to the ADA and Rehabilitation Act, CWDs must ensure effective communication with individuals who have vision, hearing, or speech disabilities. This obligation extends to applicants, recipients, members of the public, and companions, where *companion* means a family member, friend, representative, or associate of the applicant/recipient who, with the applicant/recipient, is an appropriate person with whom the CWD should communicate. ([28 CFR Section 35.160\(a\)](#); [45 CFR Section 84.77](#).)

Auxiliary aids and services are devices or services that enable effective communication. The CWD is required to provide auxiliary aids and services to individuals with disabilities when necessary to ensure effective communication. ([28 CFR Section 35.160\(b\)\(1\)](#); [45 CFR Section 84.52\(d\)\(1\)](#); [MPP Section 21-115.41](#); see also section V of [ACL 19-45](#).) The CWD must give primary consideration to the type of auxiliary aid or service requested. ([28 CFR Section 35.160\(b\)\(2\)](#); [45 CFR Section 84.77\(b\)\(2\)](#).) The CWD must also ensure they can provide effective communication through all methods of service delivery (e.g., phone, digital services, in-person) and that staff understand and can access these auxiliary aids to serve applicants/recipients.

DISABILITY ACCESS IN EMPLOYMENT SERVICES OR EMPLOYMENT-DIRECTED EDUCATION/TRAINING

The CWD must offer individuals with disabilities an equal opportunity to participate in and benefit from Employment Services and Employment-Directed Education/Training pursuant to [MPP Section 21-115.3](#). RCA/ECA and TCVAP cash aid recipients are required to participate in Employment Services or Employment-Directed Education/Training unless they are exempt ([MPP Sections 69-207.12 and 69-207.3](#); [MPP Section 70-105.14](#).) Individuals with disabilities are not automatically exempted

⁶ The [Office for Victims of Crime Training & Technical Assistance Center](#) provides training and technical assistance on many of these topics.

⁷ [The Administration for Children and Families webpage on Trauma-Informed Human Services](#) identifies resources for agencies to train staff and build understanding of trauma and trauma-informed approaches.

from Employment Services or Employment-Directed Education/Training participation requirements.

The CWD must provide programs in the most integrated setting appropriate to the needs of individuals with disabilities. ([MPP Section 21-111.13.](#)) The CWD must ensure that RCA/ECA and TCVAP cash aid recipients with disabilities can readily access general Employment Services or Employment-Directed Education/Training offerings, not just those programs and services that are designed solely for individuals with disabilities. ([MPP Section 21-111.1.](#)) Engaging rehabilitation agencies, independent living centers, regional centers, and disability rights groups may help the CWD remove barriers to workforce entry for individuals with disabilities. The ADA covers individuals who vary widely in the nature and severity of their disabilities, their degree of impairment, and their interests, capabilities, and skills. The CWD is encouraged to explore the capabilities of each recipient to learn their strengths and skills. Appropriate services for individuals with disabilities must be assessed on an individualized basis for all participants.

A disability may interfere with an individual's ability to meet or comply with Employment Services or Employment-Directed Education/Training requirements, such as job training or maintaining employment. The CWD must provide reasonable accommodation in Employment Services or Employment-Directed Education/Training activities, such as modifying to the number of hours and types of activities required of individuals with disabilities. The CWD is encouraged to inform participants with disabilities of their right to reasonable accommodation in the workplace.

Cause Determinations

Under Refugee Resettlement Program (RRP) regulations, the CWD may determine that an individual has "good cause" for noncompliance with Employment Services or Employment-Directed Education/Training requirements. ([45 CFR Section 400.75.](#)) Under state regulations, in determining whether good cause exists, the CWD must consider whether: the employment or employment-directed education/training exceeded the individual's mental or physical capacity ([MPP Section 69-208.4.d](#)); physical or mental incapacity prevented the individual from participating or reporting ([MPP Section 69-208.4.h](#)); or the individual was ill or was required to care for an ill member of the assistance unit ([MPP Section 69-208.4.i](#)). The CWD should consider these good cause criteria based on information received from the individual about the nature of the difficulty they face.

New disability-related information may be discovered when considering whether good cause exists; this information can trigger obligations under the ADA. A participant expressing difficulty in performing work-related activities based on a stated disability or illness would prompt ADA obligations to offer, document, and, if applicable, provide reasonable accommodation. The CWD's obligation to offer reasonable accommodation is an affirmative one and is prompted by the discovery of a disability, even if the participant has not articulated a need for accommodation.

If the CWD determines the individual does not have good cause for failing or refusing to comply with program requirements, the CWD must develop a compliance plan to correct the nonparticipation prior to sanctioning the individual. ([MPP Section 69-208.7.](#)) If there is a known or obvious disability, development of the compliance plan should include any reasonable accommodations that may help the individual comply with program requirements.

Sanctions

A participant's failure to meet program requirements as described in MPP Section 69-208.2 could possibly stem from a CWD's failure to offer or provide needed reasonable accommodation. For this reason, the CWD must recognize their Title II obligations at the outset of a case. Under the ADA, duties to offer and provide reasonable accommodations begin at first contact with an applicant/recipient. Even the suspicion of a disability should prompt CWD staff to offer to assist the individual in self-identifying the disability and/or appropriate disability-specific accommodations, and to correctly document this information. (See section IV of [ACL 19-45.](#)) An individual may file a disability discrimination complaint on the grounds of being sanctioned for an unmet reasonable accommodation need, separate and apart from requesting a hearing if they disagree with the CWD's sanction. ([MPP Section 21-203.1](#); [MPP Section 69-210.2.](#))

Exemptions Based on a Disability

Individuals who are determined to be "incapacitated" under the criteria of MPP Section 41-430.2 shall be exempt from participation in Employment Services or Employment-Directed Education/Training requirements. ([MPP Section 69-207.3.g.](#)) MPP Section 41-430.2 describes individuals whose physical or mental impairment, alone or in conjunction with age, prevent them from engaging in employment or employment-directed education/training program, with or without the provision of reasonable accommodations.

An individual who is ill or injured in a way that prevents their engagement in employment or participation in an employment-directed education/training program, shall also be exempt when their illness or injury and its temporary impact on participation is verified by a physician's written statement. ([MPP Section 69-207.3.f.](#))

The CWD must handle exemption requests in accordance with [MPP Section 69-207.3.](#) At the same time, an exemption request based on a stated disability or illness shall serve as notice of a disability and/or notice of a need for reasonable accommodation, even if the participant does not frame it as such. The existence of the above-referenced rules for issuing exemptions does not relieve the CWD of its ADA Title II obligations to offer, document, and if applicable, provide reasonable accommodation when it learns of a disability-related basis for the exemption request.

Relatedly, individuals with Employment Services or Employment-Directed Education/Training exemptions based on disability may require reasonable accommodations in other aspects of program participation (e.g., assistance with

communicating or completing redetermination forms, etc.). A good way to initiate a conversation is to ask the participant, “Does this issue make it difficult for you to participate in RCA/ECA, TCVAP cash aid, or Employment Services/Employment-Directed Education/Training in any other way?” This inquiry and response from the participant will help the CWD identify needed accommodations in and/or beyond the Employment Services or Employment-Directed Education/Training context.

LANGUAGE ACCESS AND REASONABLE ACCOMMODATION

The RCA/ECA and TCVAP cash aid applicants/recipients come from diverse cultural backgrounds and may have limited English proficiency (LEP). Applicants/recipients may be reluctant due to cultural norms to disclose disabilities and/or their need for accommodation. Applicants/recipients with LEP and disabilities may need both language services and reasonable accommodations, such as auxiliary aids, to effectively participate in RCA/ECA and TCVAP cash aid.

The CWD must be prepared to identify the need for, and offer, accommodation to all applicants/recipients, regardless of language. ([MPP Section 21-115.](#)) The CWD may provide bilingual services via qualified bilingual staff and/or contracted interpreters. ([MPP Sections 21-115.1 and 21-115.15.](#)) Qualified bilingual staff must be certified and must have “the language skills and cultural awareness necessary to communicate fully and effectively and provide the same level of service to non-English speaking applicants/recipients as is provided to the client population at large.” ([MPP Section 21-115.1.](#)) “Language skills” include awareness of medical and disability-related terms (or their equivalents if there is no direct translation). “Cultural awareness” includes familiarity with attitudes, beliefs, and behaviors around disability within various language/cultural groups, including awareness of disability stigmas and barriers. Bilingual staff should utilize this awareness to educate applicants/recipients about their rights, assist with self-identification of disabilities, and discuss accommodations in a culturally competent way. Adequate time must be allocated for interpretation, especially when slow or repeated speech is requested as an accommodation.

When speaking to applicants/recipients with LEP, CWD staff should consider using descriptive language in addition to and/or instead of using the terms “disabled” or “disability.” Those terms may have narrower connotations in the target language or be easily misconstrued (e.g., “disability” may only refer to physical disabilities in some languages). Staff should also expect that reasonable accommodation requests may be formulated using descriptive or indirect language. A participant whose language lacks a translation for “reasonable accommodation” may say “The worker speaks too quickly and will not slow down,” to mean, “I need more time to process information and I need the worker to slow down as an accommodation.”

Applicants/recipients with LEP may be unaware that they can request accommodations and bilingual services simultaneously. For instance, an individual with LEP with low vision may need large-print brochures in their primary language, or an individual with

LEP with memory challenges may need telephonic interpreters to speak slowly so that the individual can take notes.

WRITTEN POLICIES ON DISABILITY DISCRIMINATION

ACL 19-45 requires the CWD to adopt written policies detailing how they will comply with the requirements set forth in that letter. The CWD must update their program's and/or department's written policies as needed to comply with the requirements in this letter.

If you have any questions or need additional guidance regarding the information in this letter, contact the Civil Rights Section at crb@dss.ca.gov. If you have any questions regarding RCA/ECA or TCVAP cash aid program regulations, contact the Refugee Programs Bureau at rpb@dss.ca.gov.

Sincerely,

Original Document Signed By

KATHY YANG
Deputy Director
Office of Equity Division

Attachment

ATTACHMENT

Frequently Asked Questions (FAQ) About Reasonable Accommodation Requests:

1. **Who is entitled to reasonable accommodation?** All “qualified individuals with a disability” have the right to reasonable accommodation. See [ACL 19-45](#), section III. The definition of “disability” under the ADA and California law is much broader than the definition found in certain program regulations and is not limited to those who qualify for and/or receive federal, state, or private disability benefits.
2. **Are applicants entitled to reasonable accommodation, before program eligibility is determined?** Yes.
3. **Do special words or phrases need to be used to request a reasonable accommodation?** No.
4. **Can we require applicants/recipients to complete a reasonable accommodation request form?** No. The CWD may provide a reasonable accommodation request form to applicants/recipients. However, the CWD must not require applicants/recipients to use or sign the form in order to request an accommodation.
5. **When can a reasonable accommodation request be made?** Requests for reasonable accommodations may be made at any time, including but not limited to, during the application process, during the redetermination period, after a denial of or approval for benefits, at termination of benefits, or when addressing a fraud referral. Individuals do not forfeit the right to reasonable accommodation because they did not fill out a specific reasonable accommodation form or request it initially. Even if the applicant/recipient stated that they do not need reasonable accommodation on the application or an appeal form, they may request it later without prejudice.
6. **How many reasonable accommodation requests are allowed?** There is no limit to the number of reasonable accommodation requests a person may make, and requests may change over time. Each request must be afforded individualized analysis under the law.
7. **What is the timeline for responding to a reasonable accommodation request?** Although the ADA does not state a specified time period for responding to a request for accommodation, the response should be made promptly so the applicant’s/recipient’s application or benefits are not adversely affected.
8. **Can a program rule or requirement be changed or waived as a reasonable accommodation?** Yes. All program rules and requirements are subject to reasonable accommodation requests, including the regulatory requirement to provide medical verification to support an Employment Services or Employment-Directed Education/Training exemption request. Each such request from a qualified

individual with a disability must be considered under ADA Title II requirements and may only be denied on limited specified grounds. See section IV of [ACL 19-45](#).

9. **Does a reasonable accommodation need to be provided in every interaction?** If an individual has requested a reasonable accommodation for a disability-related need, or the need for accommodation is obvious, the accommodation must be provided in all interactions where that need would arise. The CWD must not require the individual to repeatedly request an accommodation in every interaction. For example, if the individual's disability keeps them from being able to read and understand written notices, and an accommodation is granted to read notices aloud to them, this accommodation should be provided with all notices.
10. **Can the CWD require supervisor approval for all reasonable accommodation requests?** The CWD is strongly discouraged from requiring supervisor approval for accommodation requests as a general business practice. Doing so may create a bottleneck and undue delay in the provision of accommodations. Processing of reasonable accommodation requests should be routine, and all public contact staff must be trained to handle the routine steps of offering, providing, and documenting reasonable accommodations. Supervisor involvement may be appropriate for more complex or unique accommodation requests.
11. **What is the process for an applicant/recipient to appeal a CWD's decision to deny a reasonable accommodation request?** There is no appeal process for reasonable accommodation denials. If an individual believes they were wrongfully denied, they may file a disability discrimination complaint with the county employee responsible for handling the disability discrimination complaint process.
12. **Can a request be denied because it is too burdensome on a single employee (such as the caseworker)?** No. The CWD must consider all resources available to the program. For example, an employee may receive a request to read all notices aloud to a participant with low vision. This request cannot be denied on the grounds that it would be too burdensome on the individual employee. A CWD must consider all program resources, which in this case could mean shifting some of the employee's tasks to another employee or assigning another employee to read the notices.

Scenarios for Providing Reasonable Accommodations

1. A CWD requires face-to-face eligibility interviews. Due to a disability, a person is unable to physically access the CWD office for an eligibility interview. As a reasonable accommodation, the CWD could meet with the client at an accessible location or conduct this eligibility interview over the phone.
2. An RCA recipient with a Traumatic Brain Injury has trouble with memory and multi-step instructions. As a reasonable accommodation, the CWD could provide extra assistance with completing forms and call the recipient to remind them of deadlines for filling out reports. The CWD could also accommodate the client by contacting

them before any termination or sanction for failure to follow directions. To ensure the accommodation is continuous, the CWD may need to establish a system for calendaring tasks to call the recipient with reminders and to offer assistance whenever the Semi-Annual Report (SAR) is due.

3. A TCVAP cash aid applicant with PTSD experiences anxiety in crowded rooms. As a reasonable accommodation, the CWD could offer phone or video appointments or in-person meetings in alternate, less crowded locations.
4. An RCA participant with a disability does not submit the SAR 7 by the deadline. Six weeks after termination, the participant contacts the CWD and reports that they were unable to submit the SAR 7 because they were in the hospital. The participant asks the CWD to retroactively reinstate their benefits as a reasonable accommodation. The participant provides the information requested by the CWD to demonstrate continued program eligibility. As a reasonable accommodation for the participant's hospitalization, the CWD could rescind the discontinuance and determine eligibility based on the late reporting.
5. An Eligibility Worker sees a conflict between a signed SAR 7, which reflects no income, and an Income and Eligibility Verification System (IEVS) match showing income. The worker reviews the client's file history, which indicates the client has a severe developmental disability. The worker finds no notes in the CalSAWS Special Circumstances detail page for the client. The worker contacts the client and inquires as to whether the client had difficulty understanding and completing their SAR 7. The client states they were unable to understand most of the SAR 7. As a reasonable accommodation, the worker assists client in filling out and submitting a new SAR 7.